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Attorney for Defendant, TILISHA MORRISON

IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA, } Case No.: 1:22-CR-177 NODJ-BAM  
Plaintiff, }  
vs. } Defendant Tilisha Morrison's Request And  
TILISHA MORRISON, } Order For Funds For Travel, Lodging, And  
Defendant. } Subsistence Pursuant To 18 U.S.C. §4285 and  
} the Criminal Justice Act 18 U.S.C. §3006A  
}

## 1. Introduction and Summary of Argument

Ms. Morrison is scheduled for a sentencing hearing on April 8, 2024, at 8:30 a.m. She is a life-long resident of the Texas area and lives there now. Ms. Morrison is indigent and requests funds to allow her to travel to her sentencing hearing and return home after that proceeding. Due process requires that the necessary funds be provided.

As to Ms. Morrison's post-sentencing and return travel home, Defense counsel will request that Ms. Morrison remain out of custody. Should the Court order Ms. Morrison to serve time in custody, a request will be made to allow Ms. Morrison to self- surrender so she can arrange her affairs before reporting to custody.

1           2. Due Process Requires The Provision Of The Requested Funds

2           On June 17, 2022, United States Magistrate Rebecca Rutherford, of the United States District  
3 Court, Northern Division of Texas, ordered Ms. Morrison released on bond with no opposition  
4 from the United States Government. Ms. Morrison has complied with her terms of release without  
5 incident.

6           Ms. Morrison's indigency is clear as reported on her financial affidavit at the time of her initial  
7 appearance. Ms. Morrison is currently employed as a dispatch supervisor at AHI Supply and earns  
8 \$25.00 per hour. She currently pays \$1985 a month in rent, \$400 a month in utilities, \$500 on her  
9 car payment and \$130 month for her cellphone. Ms. Morrison is a single mother of two children  
10 and is the sole provider of her family.

11           There is unambiguous statutory authority for this Court to direct the United States Marshal to  
12 furnish Ms. Morrison with the cost of travel to Fresno, California, so that she can attend court in  
13 Fresno on April 8, 2024, *See*, 18 U.S.C. § 4285. Pursuant to that statute, Ms. Morrison requests  
14 the United States Marshal provide her with subsistence expenses during her travel period not to  
15 exceed the amount authorized as per diem allowance for travel under 5 U.S.C. § 5702(a).

16           Several cases have held that § 4285 does not obligate the Marshalls Service to pay an indigent  
17 defendant's subsistence expenses – food and lodging – once the defendant arrives and can attend  
18 Court. Of course, the defendant has a due process right to attend her court proceedings and cannot  
19 be forced to choose between surrendering herself into custody or to go without food and lodging  
20 while attending court. *See, United States v. Badalamenti*, 1986 WL 8309 (S.D.N.Y. Jul. 22, 1986).  
21 In *United States v. Mendoza*, 734 F.Supp.2d 281, 286-87, (E.D.N.Y. 2010), the Court found that  
22 the Criminal Justice Act, 18 U.S.C. §3006A, provided the appropriate funding mechanism for a  
23

1 defendant's lodging and subsistence expenses while he is away from home for court proceedings  
2 and for the cost of return travel and subsistence.

3 Based on those precedents, Ms. Morrison requests funding for her travel and subsistence as  
4 follows:

5 (1) From the United States Marshall for the cost of travel to Fresno, California, so that  
6 she can attend court in Fresno on April 8, 2024, and subsistence during that travel,  
7 pursuant to 18 U.S.C. § 4285.

8 (2) From funds authorized under the Criminal Justice Act, 18 U.S.C. §3006A, for the  
9 defendant's lodging and subsistence expenses while she is in Fresno on April 7, 2024  
10 and April 8, 2024 for her sentencing, and for the cost of her return travel home and  
11 subsistence during that travel.

12 (3) From any other source the Court finds appropriate for the travel and subsistence  
13 expenses noted above.

14 Undersigned counsel is informed and believes this Court is inclined to order travel and subsistence  
15 funding as referenced in (1) and (2) above and to further authorize undersigned counsel to advance  
16 the subsistence expenses specified in (2) above with reimbursement to counsel from Criminal  
17 Justice Act (CJA) funds ordered by the Court.

18 Counsel will provide defendant Morrison with a copy of the travel funds document which  
19 is attached to the proposed order and advise Ms. Morrison of her potential liability for excess  
20 expenses. Counsel will seek reimbursement from CJA funds promptly once the authorized travel  
21 is completed.

22 Dated: March 16, 2024

23 Respectfully submitted,

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27  
/s Monica L. Bermudez  
MONICA L. BERMUDEZ  
3 Attorney for defendant  
TILISHA MORRISON

## ORDER

Pursuant to 18 U.S.C. § 4285, the Court orders the United States Marshal to furnish Tilisha Morrison with the cost of travel from Dallas, Texas to Fresno, California, so that she may attend court in Fresno on April 8, 2024, at 8:30 a.m. Additionally, the United States Marshal shall provide Ms. Morrison with subsistence expenses for this travel period not to exceed the amount authorized as per diem allowance for travel under 5 U.S.C. § 5702(a).

Pursuant to 18 U.S.C. § 3006A, the Court orders the Federal Defender's Office to disburse Criminal Justice Act (CJA) funds to furnish Tilisha Morrison with the cost of lodging, food, and incidental expenses while she is in Fresno, California between April 7-8, 2024, in connection with her court appearance on April 8, 2024, at 8:30 a.m. It is further ordered that CJA funds shall be disbursed by the Federal Defender's office for travel and subsistence to enable Ms. Morrison to return to her home in Fort Worth, Texas when that court proceeding is completed. It is further ordered that to the extent practicable, the travel and subsistence expenses shall not exceed the parameters set out in the attached Travel Funding Memorandum and the per diem allowance for travel under 5 U.S.C. § 5702(a).

It is further ordered that undersigned counsel may advance the travel and subsistence funds to be disbursed from CJA funds and that the Federal Defender is ordered to reimburse counsel. Counsel shall seek any reimbursement from CJA funds promptly once the authorized travel is completed. Counsel shall endeavor to limit the expenses to the parameters set out in the attached Travel Funding Memorandum, however counsel is not personally liable for excess expenses and shall be reimbursed from CJA funds for all expenses reasonably authorized.

IT IS SO ORDERED.

DATED: March 25, 2024.

**CHIEF UNITED STATES DISTRICT JUDGE**